

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JILL BURELLA,)	
<i>Individually and as Parent and Natural Guardian</i>)	
<i>of Beth Ann Burella, Danielle Burella and</i>)	
<i>Nicholas Burella,</i>)	
)	CIVIL ACTION
Plaintiff,)	No. 00-cv-0884
)	
v.)	
)	
CITY OF PHILADELPHIA, et al.)	
)	
Defendants.)	

ORDER

AND NOW, this 30th day of September 2009, upon consideration of the Third Circuit's decision in this matter,¹ the Motion for Summary Judgment by Defendants City of Philadelphia, Robert Reamer, Charles Bloom and Francis Gramlich [Document No. 114], the Response [Document No. 116], the Reply [Document No. 117] and the Sur-reply [Document No. 121], and in accordance with the attached Memorandum Opinion, it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Defendants Reamer, Bloom and Gramlich's Motion is **GRANTED** as to Plaintiff's claims under § 1983 both on her behalf and on behalf of Beth Ann, Danielle and Nicholas Burella. Accordingly, Counts I and IV are **DISMISSED**;

2. Defendant City of Philadelphia's Motion is **GRANTED** as to Plaintiff's claims under § 1983 both on her behalf and on behalf of Beth Ann, Danielle and Nicholas Burella. Accordingly, Counts II and III are **DISMISSED**;

¹ Burella v. City of Philadelphia, 501 F.3d 134 (3d Cir. 2007).

3. Defendants Reamer, Bloom and Gramlich's Motion is **GRANTED** as to Plaintiff's claims under the Pennsylvania Constitution both on her behalf and on behalf of Beth Ann, Danielle and Nicholas Burella. Accordingly, Count V is **DISMISSED**;

4. Defendants Reamer, Bloom and Gramlich's Motion is **GRANTED** as to Plaintiff's claims under Pennsylvania state tort law both on her behalf and on behalf of Beth Ann, Danielle and Nicholas Burella. Accordingly, Count VI is **DISMISSED**;

5. Defendants Reamer, Bloom and Gramlich's Motion is **GRANTED** as to Plaintiff's claims under Pennsylvania law for negligence, negligent infliction of emotional distress and intentional infliction of emotional distress on behalf of Beth Ann, Danielle and Nicholas Burella. Accordingly, those claims are **DISMISSED**; and

6. Defendants Reamer, Bloom and Gramlich's Motion is **DENIED** as to Plaintiff's claim under Pennsylvania law for intentional infliction of emotional distress on her own behalf.

Plaintiff shall **SHOW CAUSE** within fourteen (14) days as to why Defendants John Does I through IV should not be dismissed.

It is so **ORDERED**.

BY THE COURT:

/s/ **CYNTHIA M. RUFÉ**

CYNTHIA M. RUFÉ, J.